

REMARKS

In a previous Office Action, the Examiner allowed claims 7, 17, 27, 37, 41-46, 48-56, 58-66, 68-76, and 78-80. In the Office Action identified above, the Examiner rejected claims 1-6, 8-16, 18-26, 28-36, and 38-40 under 35 U.S.C. § 103(a) as being unpatentable over Cohen et al. (U.S. Patent No. 6,389,462) in view of Stallings (William Stallings, Local and Metropolitan Area Networks 454-56 (4th ed. 1993)). Based on the following reasoning, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. § 103(a)¹.

I. The Rejection of Claims 1-6, 8-16, 18-26, 28-36, and 38-40 Under 35 U.S.C. § 103

Applicants respectfully traverse the rejection of claims 1-6, 8-16, 18-26, 28-36, and 38-40 under 35 U.S.C. § 103(a) as being unpatentable over Cohen et al. in view of Stallings because the Examiner has failed to establish a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Furthermore, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." See M.P.E.P. § 2143.01 (8th Ed., Aug. 2001), quoting In re Wilson, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicants that such assertions

the art, to modify a reference or to combine reference teachings. Finally, there must be a reasonable expectation of success. See M.P.E.P. § 2143 (8th Ed. 2001), pp. 2100-122 to 127.

Further, the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the Examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness. The initial evaluation of *prima facie* obviousness thus relieves both the Examiner and applicant from evaluating evidence beyond the prior art and the evidence in the specification as filed until the art has been shown to suggest the claimed invention. M.P.E.P. § 2142.

Applicants submit that the Examiner has not met his burden of establishing a *prima facie* case of obviousness and believe claims 1-6, 8-16, 18-26, 28-36, and 38-40 are allowable over the cited references. The Examiner has failed to show where Cohen et al. and Stallings disclose all the elements of claim 1. Claim 1 calls for a combination including, for example, “creating and sending a second packet from the router to the proxy server, the second packet including the data, the client address, and a proxy address” and “determining a destination address corresponding to the destination based on the client address included in the second packet.” The Examiner asserts that “Cohen et al. discloses . . . a router as e.g., router 103 [and] a proxy server as proxy redirector 104².” (OA at 3). Applicants respectfully disagree with the Examiner’s characterizations of Cohen et al. The relied-upon portion of the Cohen et al. (i.e., FIG. 1) discloses that the proxy redirector is a Level 4 switch (in contrast to the

are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

² The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

claimed “proxy server”). (Col. 6, lines 23-26). Thus, neither this portion of Cohen et al. or any other portion support the Examiner’s rejection.

Furthermore, even assuming that the Examiner’s characterization of the proxy redirector is true, the Examiner has still not met his burden of establishing a *prima facie* case of obviousness. The Examiner asserts that Cohen et al. discloses “determining a destination address corresponding to the destination based on the client address included in the second packet is taught e.g., as a request packet sent to the proxy redirector 104.” (OA at 3). Applicants respectfully disagree with the Examiner’s characterizations of Cohen et al. The relied-upon portion of the Cohen et al. (i.e., Col. 8, line 10-Col. 11, line 19) discloses that the proxy redirector receives the address of the destination as part of the packet from the router. (Col. 8, lines 22-33). That is, the destination address is received as part of the packet. Thus, the Examiner has failed to show where Cohen et al. teaches or suggests “determining a destination address corresponding to the destination based on the client address included in the second packet,” as recited in claim 1. Therefore, Applicants submit that the rejection of claim 1 is not supported by Cohen et al.

Moreover, the Examiner admits that Cohen et al. “may be silent or deficient” as to “a second packet (i.e., a packet sent between a router and a proxy server).” (See OA at 3). The Examiner further alleges that “the packet received by the combined intermediate entity contains the data and client address but does not clearly teach a proxy address.” (OA at 4). However, the Examiner asserts that Stallings “teaches the further recited limitation above at e.g., middle of page 455 with respect to case 2.” (Id.) Applicants respectfully disagree with the Examiner’s characterization of Stallings. The

Examiner points to a portion of Stallings that discloses a router making “a routing decision” regarding which “router . . . the datagram [should] be sent.” (Page 455). However, this does not constitute “a packet sent between a router and a proxy server” or “the packet received by the combined intermediate entity contains . . . a proxy address.” Thus, neither this portion of Stallings or any other portion support the Examiner’s rejection.

In light of the above remarks, Applicants assert that the rejection of claim 1 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Independent claims 11, 21, and 31, although of different scope, include elements similar to that discussed above with regard to claim 1. Applicants, therefore, request the Examiner to withdraw the rejection of claims 11, 21, and 31 for at least the same reasons discussed above with respect to claim 1.

Claims 2-6 and 8-10, 12-16 and 18-20, 22-26 and 28-30, and 32-36 and 38-40 depend from claims 1, 11, 21, and 31, respectively. As explained, the Examiner has failed to show where Cohen et al. and Stallings teach or suggest the elements of claims 1, 11, 21, and 31. Accordingly, claims 2-6 and 8-10, 12-16 and 18-20, 22-26 and 28-30, and 32-36 and 38-40 are allowable over Cohen et al. and Stallings for at least the same reasons as claims 1, 11, 21, and 31³. Applicants, therefore, respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

³ As Applicants’ remarks with respect to the base independent claims are sufficient to overcome the Examiner’s rejection of all claims dependent therefrom, Applicants’ silence as to the Examiner’s assertions with respect to dependent claims is not a concession by Applicants to the Examiner’s assertions as to these claims, and Applicants reserve the right to analyze and dispute such assertions in the future.

II. Conclusion


Applicants request the Examiner's reconsideration of the application in view of the foregoing, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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